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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,346	06/07/2001	Tadashi Ichida	57139-5052	9056

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,346

Applicant(s)

ICHIDA ET AL.

Examiner

Julie K Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of Finality

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action dated 3/25/04 is persuasive and, therefore, the finality of that action is withdrawn and the amendment filed 6/14/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Wendler (5,890,979).

Wendler discloses a method of adjusting an initial position of a slave piston (4) in a hydraulic shift gear mechanism by providing a master cylinder assembly (2) in communication with a slave cylinder assembly (4), the master cylinder assembly attachable to a bicycle handlebar by a bracket and comprising a main chamber (14) having a master piston (10) and an adjuster chamber including an adjusting piston (15) threadingly engaged therein and a port for adding or removing fluid (see col. 4, lines 40-65), said adjusting piston can be rotated to vary the depth in which the adjuster piston extends into the adjusting chamber.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendler as applied to claim 6 above, and further in view of Ose (5,676,022). Wendler discloses a shift control device with a slave cylinder assembly and a master cylinder assembly comprising a main chamber and an adjusting chamber, a conduit (3) conveying a fluid between the master and slave cylinders, said adjusting chamber operable to adjust the volume of the conduit, as claimed, but does not disclose the shift lever assembly, as claimed. However, Ose teaches a shift lever assembly comprising a bracket (3) attachable to a handlebar, a pivot shaft (8) spaced apart from said handlebar and fixed to the bracket, a rotating member (4) rotatable in first (A) and second (B) directions about the pivot shaft, a control lever (4a) operatively connected to the rotating member wherein the lever is biased in a neutral position (N1) by springs (17, 20) and moveable in a first direction and second direction, said neutral position being located between said first and second positions, a push mechanism comprising a first latch segment (19) and a push pawl (13) biased toward the first latch segment and configured to cooperate with the first latch segment to rotate the rotating member in a first direction (see fig. 7), a return mechanism comprising a second latch segment (22) and a return pawl (16a), the return pawl having a first claw (16) and a second claw (16a) which alternately engage the second latch segment when the rotating member is rotating in the second direction (see fig. 8). Further taught is a pinion gear

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(9) rotatable about a pivot shaft and operatively connected to a rotating member wherein the pinion gear rotates with the rotating member, and a rack gear (see fig. 5) engaged with the pinion gear.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Wendler with the teachings of Ose to have a rack and pinion shifting device, as claimed, for shifting the bicycle so as to provide a smoother shifting process by reducing friction and reducing "lost motion" in the system, providing for a more efficient system.

Response to Arguments

6. Applicant's arguments, filed 6/14/04, with respect to claims 2-10 have been fully considered and are persuasive. The previous final rejection, dated 3/25/04, has been withdrawn.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jks
Jks
June 30, 2004


DAVID A. BUCC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600